

## **INTERVIEW SUMMARY**

Applicants would like to sincerely thank Examiner M. Victoria Vanderhorst and Supervising Examiner Matthew Brooks for the courtesies and time they spent with Applicants' attorney, Aaron Haleva, in a personal interview on November 2, 2010. In the interview, Examiner Vanderhorst agreed that given the reference to various travel modes in ¶ [0032] of the published version of the present application (US 2004/0238622), the rejection under 35 U.S.C. § 112 should be removed. Additionally, Supervising Examiner Brooks noted that the cited Sehr reference did not teach the claimed feature of a benefit award based on the travel distance associated with a qualifying purchase (e.g., airline ticket) and not the monetary value of the purchase (e.g., the cost or value of the ticket). The Examiners also noted that amendments to clarify the calculation step should be made.

## **REMARKS**

In view of the foregoing amendments and the following remarks, reconsideration and allowance of this patent application is earnestly solicited. Favorable reconsideration is requested. Claims 1-43, 46-48, 50 and 53-69 were examined and stand rejected variously under 35 U.S.C. §§112, 102(e) and 103(a) for the reasons set forth in the Office Action. Claims 1, 18, 33, 50 and 65 have been amended herein, and new claim 70 has been added. Claims 1, 18, 33, 50, 65 and 70 are the independent claims. Favorable reconsideration is requested.

### **Rejections Under 35 U.S.C. §112**

Claims 1, 18, 33, 50 and 65 stand rejected under 35 U.S.C. § 112, first paragraph. As noted, Examiner Vanderhorst agreed in the personal interview that given the recitation in ¶ [0032] of the present specification that describes "travel-related benefits" as including airline, cruise, train and hotel,

etc., it is clear that one skilled in the art would understand “travel modes” to include all of these. Thus, given the teaching of ¶ [0032] this rejection should be removed, as agreed in the personal interview.

#### **Prior Art Rejections Under 35 U.S.C. §102(e) and § 103(a)**

Claim 1-2, 5, 7-11, 18, 21, 24, 26-30, 33-34, 37, 39-43, 50, 53, 56, 58-62, and 65-66 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6, 609,658 (Sehr). Claims 17, 48, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,609,658 (Sehr) in view of U.S. Patent 5,774,870 (Storey). Claims 14-16, 31-32, 46-47, 63-64, and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,609,658 (Sehr) in view of U.S. PG Pub. No. 2004/0049459 (Philliou) and in view of U.S. Patent No. 5,021,953 (Webber et al.).

As discussed in the personal interview, the Sehr reference does not teach the claimed “determining one or more travel distances associated with said at least one qualifying purchase transaction by comparing the city of origin and the city of destination” or “calculating a number of redeemable rewards points for each of said determined travel distances, and not on the monetary value of the underlying qualifying purchases, and storing a value redeemable by said holder for at least one benefit based on the sum of said rewards points for said determined travel distances” as is recited in each of the amended independent claims.

Thus Sehr cannot teach a reward system where the reward is a function of the distance associated with the purchased travel passage, irrespective of how much that passage for that distance cost. Thus Sehr does not teach a rewards system where points are calculated for each travel distance associated with each qualifying purchase, and summing those points to determine a benefit to the user.

Neither Storey nor Philliou remedies this defect in Sehr as a reference against the independent claims.

Thus, each of the independent claims 1, 18, 33, 50, 65, and new claim 70 are patentable over the cited prior art. The remaining dependent claims are also patentable for similar reasons.

On the basis of the foregoing amendments and these remarks, Applicant respectfully submits that this application is in form for immediate allowance. Notice to this effect is earnestly solicited. The Examiner is invited to contact Applicant's undersigned attorney at the telephone number set forth below if it will advance the prosecution of this case.

No additional fees are believed to be due with this Response. Please charge any fee deficiency, and credit any overpayment, to Deposit Account No. 50-0540.

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Respectfully submitted,

By: 

Aaron S. Haleva, Esq.  
Registration No. 44,733  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 715-9102  
Attorneys for Applicant